

ATTORNEY'S DOCKET NUMBER: 0492611-0513 (MIT Case 8853)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Cohen, *et al.* Examiner: To be assigned
Serial No.: 10/667,956 Art Unit: To be assigned
Filed: September 22, 2003
For: METHODS AND APPARATUS FOR DETERMINING CARDIAC OUTPUT

MAIL STOP: MISSING PARTS

Commissioner For Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

APPOINTMENT OF ATTORNEY

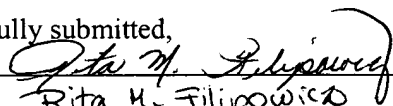
The undersigned hereby appoints:

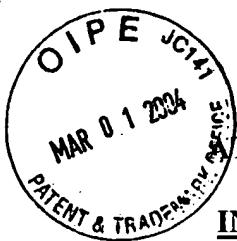
Sam Pasternack, Reg. No. 29,576
Donald W. Muirhead, Reg. No. 33,978
Brenda Herschbach Jarrell, Reg. No. 39,223
Anne E. Saturnelli, Reg. No. 41,290
Kevin Tormey, Reg. No. 41,351
Elizabeth E. Nugent, Reg. No. 43,839
Valarie B. Rosen, Reg. No. 45,698
C. Hunter Baker, Reg. No. 46,533
Monica Gerber, Reg. No. 46,724
Elijah Cocks, Reg. No. 47,499
John A. Hamilton, III, Reg. No. 48,946
Nadège M. Lagneau, Reg. No. 51,908
Charles Lyon, Limited Recognition Under 37 C.F.R. §10.9(b)
Stacy Blasberg, Reg. No. 52,625
Theresa Devlin, Reg. No. 45,361

as its attorneys and agents for prosecution of matters relating to the above-identified patent application and to conduct all business in the United States Patent and Trademark Office.

All correspondence should be sent to Monica R. Gerber, M.D., Ph.D., Choate, Hall & Stewart, Exchange Place, 53 State Street, Boston, Massachusetts 02109.

Respectfully submitted,


Name: Rita H. Filipowicz
Title: Patent Administrator
On behalf of Massachusetts Institute of Technology
Dated: 1/9/04



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Alexandria, VA 22313-1450

Sir:

ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION
(37 CFR § 3.73(b))

The inventors of the above-referenced United States patent application have assigned their entire right, title, and interest in the inventions disclosed therein according to the following table:

Inventor	Assignee
Richard J. Cohen	Massachusetts Institute of Technology
Ramakrishna Mukkamala	Massachusetts Institute of Technology
Derin A. Sherman	Massachusetts Institute of Technology

Thus, the Assignee of the inventors' entire right, title, and interest are:

Massachusetts Institute of Technology

According to 37 CFR § 3.73(b), the Assignee is entitled to take action relating to the application in the Patent and Trademark Office if the Assignee establishes ownership to the satisfaction of the Commissioner.

Ownership by the assignee is established as follows:

_____ documents already recorded in the PTO on _____.

Reel _____ Frame _____; and

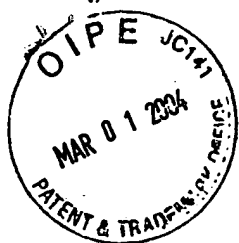
X documents separately submitted for recordal to the PTO (a copy of these documents are attached).

STATEMENT

I, person(s) authorized to sign on behalf of the Assignee, have reviewed the evidentiary documents referred to above and certify that, to the best of my knowledge and belief, title is mine/ours as Assignee who seeks to take further action.

Name/Title	Assignee	Date
Signature: <u><i>Rita M. Filipowicz</i></u> Name: <u>Rita M. Filipowicz</u> Title: <u>Patent Administrator</u>	Massachusetts Institute of Technology	<u>1/9/04</u>

3639289_1.DOC

**DECLARATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHODS AND APPARATUS FOR DETERMINING CARDIAC OUTPUT

the specification of which (I authorize Choate, Hall & Stewart to check one of the following, three choices, and fill in the blanks, if applicable):

___ is attached hereto.

X was filed on September 22, 2003 as Application Serial No. 10/667,956 and amended on (if applicable).

___ was filed as PCT international application No. _____,
on _____ and was amended under PCT Article 19
on _____ (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

NUMBER	COUNTRY	FILING DATE	PRIORITY CLAIMED	
			YES	NO

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION NUMBER	FILING DATE	STATUS

PCT Applications designating the United States:

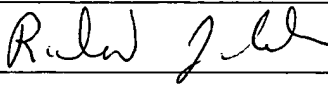
PCT APPLICATION NUMBER	FILING DATE	STATUS

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national filing date of this application.

Provisional Application(s):

APPLICATION NUMBER	FILING DATE	STATUS
60/446,385	February 10, 2003	Pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full name of inventor Richard J. Cohen
Inventor's Signature  Date 2/11/2004
Residence 4 Monadnoc Road, Chestnut Hill, MA 02167
Citizenship U.S.
Post Office Address Same as above

Full name of inventor Ramakrishna Mukkamala
Inventor's Signature _____ Date _____
Residence 7614 Heritage Drive, Apt. 11, Lansing, Michigan 48917
Citizenship U.S.
Post Office Address Same as above

Full name of inventor Derin A. Sherman
Inventor's Signature _____ Date _____
Residence 3209 12th Avenue SE, Cedar Rapids, IA 52403
Citizenship U.S.
Post Office Address Same as above

**DECLARATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

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the specification of which (I authorize Choate, Hall & Stewart to check one of the following, three choices, and fill in the blanks, if applicable):

___ is attached hereto.

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on _____ (if applicable).

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APPLICATION NUMBER	FILING DATE	STATUS

PCT Applications designating the United States:

PCT APPLICATION NUMBER	FILING DATE	STATUS

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Full name of inventor Richard J. Cohen

Inventor's Signature _____ Date _____

Residence 4 Monadnoc Road, Chestnut Hill, MA 02167

Citizenship U.S.

Post Office Address Same as above

Full name of inventor Ramakrishna Mukkamala

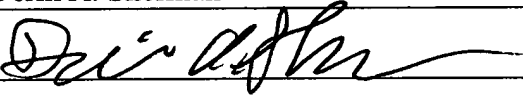
Inventor's Signature _____ Date _____

Residence 7614 Heritage Drive, Apt. 11, Lansing, Michigan 48917

Citizenship U.S.

Post Office Address Same as above

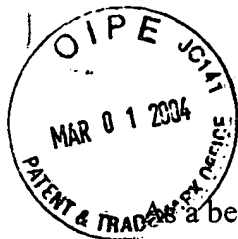
Full name of inventor Derin A. Sherman

Inventor's Signature  Date 15 Jan 2004

Residence 3209 12th Avenue SE, Cedar Rapids, IA 52403

Citizenship U.S.

Post Office Address Same as above

**DECLARATION**

I, a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

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the specification of which (I authorize Choate, Hall & Stewart to check one of the following, three choices, and fill in the blanks, if applicable):

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NUMBER	COUNTRY	FILING DATE	PRIORITY CLAIMED	
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APPLICATION NUMBER	FILING DATE	STATUS

PCT Applications designating the United States:


PCT APPLICATION NUMBER	FILING DATE	STATUS

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national filing date of this application.

Provisional Application(s):

APPLICATION NUMBER	FILING DATE	STATUS
60/446,385	February 10, 2003	Pending

Full name of inventor	Richard J. Cohen
Inventor's Signature	Date
Residence	4 Monadnoc Road, Chestnut Hill, MA 02167
Citizenship	U.S.
Post Office Address	Same as above

Full name of inventor	Ramakrishna Mukkamala	
Inventor's Signature		Date 2/3/04
Residence	7614 Heritage Drive, Apt. 11, Lansing, Michigan 48917	
Citizenship	U.S.	
Post Office Address	Same as above	

Full name of inventor	Derin A. Sherman
Inventor's Signature	Date
Residence	3209 12 th Avenue SE, Cedar Rapids, IA 52403
Citizenship	U.S.
Post Office Address	Same as above

ASSIGNMENT

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned **Richard J. Cohen** of Chestnut Hill, Massachusetts, **Ramakrishna Mukkamala**, of Lansing, MI and **Derin A. Sherman** of Cedar Rapids, IA, hereby

Sell, assign and transfer to **Massachusetts Institute of Technology**, having a place of business at **5 Cambridge Center, Kendall Square, Cambridge, MA 02142**, its successors, assigns and legal representatives, all hereinafter referred to as the ASSIGNEE, their entire right, title and interest for the United States and all foreign countries, in and to any and all inventions which are disclosed in the application for United States Letters Patent filed **September 22, 2003**, **Serial No. 10/667,956** entitled "**METHODS AND APPARATUS FOR DETERMINING CARDIAC OUTPUT**" and in and to said application and all divisional, continuing, substitute, renewal, reexamination, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said inventions; and in and to all original, reissued, and reexamination patents which have been or shall be issued in the United States and all foreign countries on said inventions including the right to apply for patent rights in each foreign country and all rights to priority.

Agree that said ASSIGNEE may apply for and receive Letters Patent for said inventions in its own name; and when requested, without charge to but at the expense of said ASSIGNEE, agree to carry out in good faith the intent and purpose of this assignment by executing all divisional, continuing, substitute, renewal, reexamination, reissue, and all other patent applications on any and all said inventions, by executing all rightful oaths, assignments, powers of attorney and other papers, by communicating to said ASSIGNEE all facts known to them relating to said inventions and the history thereof, and generally by doing everything possible which said ASSIGNEE shall consider desirable for aiding in securing and maintaining proper patent protection for said inventions and for vesting title to said inventions and all applications for patents and all patents on said inventions, in said ASSIGNEE.

Hereby request the Honorable Commissioner of Patents and Trademarks to issue said Letters Patent to said ASSIGNEE.

Covenant with said ASSIGNEE that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by them, and that full right to convey the same as herein expressed is possessed by them.

IN WITNESS WHEREOF, I hereto set my hand and seal at _____,
this _____ day of _____, 2004

Richard J. Cohen

STATE OF _____
SS.

COUNTY OF _____.

Before me this _____ day of _____, 2004 personally appeared
Richard J. Cohen known to me to be the person whose name is subscribed to the foregoing
Assignment and acknowledged that he executed the same as his free act and deed for the
purposes therein contained.

NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires:

IN WITNESS WHEREOF, I hereto set my hand and seal at _____,
this _____ day of _____, 2004

Ramakrishna Mukkamala

STATE OF _____
SS.

COUNTY OF _____.

Before me this _____ day of _____, 2004 personally appeared
Ramakrishna Mukkamala known to me to be the person whose name is subscribed to the
foregoing Assignment and acknowledged that he executed the same as his free act and deed for
the purposes therein contained.

NOTARY PUBLIC

[Notary's Seal Here]

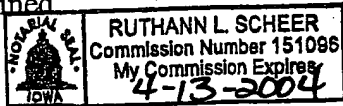
My Commission Expires:


IN WITNESS WHEREOF, I hereto set my hand and seal at Mt. Vernon, IA,
this 15th day of January, 2004


Derin A. Sherman

STATE OF Iowa SS.
COUNTY OF Linn.

Before me this 15th day of January, 2004 personally appeared **Derin A. Sherman** known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained




NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires: 4-13-2004

ASSIGNMENT

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned **Richard J. Cohen** of Chestnut Hill, Massachusetts, **Ramakrishna Mukkamala**, of Lansing, MI and **Derin A. Sherman** of Cedar Rapids, IA, hereby

Sell, assign and transfer to **Massachusetts Institute of Technology**, having a place of business at **5 Cambridge Center, Kendall Square, Cambridge, MA 02142**, its successors, assigns and legal representatives, all hereinafter referred to as the ASSIGNEE, their entire right, title and interest for the United States and all foreign countries, in and to any and all inventions which are disclosed in the application for United States Letters Patent filed **September 22, 2003**, **Serial No. 10/667,956** entitled "**METHODS AND APPARATUS FOR DETERMINING CARDIAC OUTPUT**" and in and to said application and all divisional, continuing, substitute, renewal, reexamination, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said inventions; and in and to all original, reissued, and reexamination patents which have been or shall be issued in the United States and all foreign countries on said inventions including the right to apply for patent rights in each foreign country and all rights to priority.

Agree that said ASSIGNEE may apply for and receive Letters Patent for said inventions in its own name; and when requested, without charge to but at the expense of said ASSIGNEE, agree to carry out in good faith the intent and purpose of this assignment by executing all divisional, continuing, substitute, renewal, reexamination, reissue, and all other patent applications on any and all said inventions, by executing all rightful oaths, assignments, powers of attorney and other papers, by communicating to said ASSIGNEE all facts known to them relating to said inventions and the history thereof, and generally by doing everything possible which said ASSIGNEE shall consider desirable for aiding in securing and maintaining proper patent protection for said inventions and for vesting title to said inventions and all applications for patents and all patents on said inventions, in said ASSIGNEE.

Hereby request the Honorable Commissioner of Patents and Trademarks to issue said Letters Patent to said ASSIGNEE.

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IN WITNESS WHEREOF, I hereto set my hand and seal at _____,
this _____ day of _____, 2004

Richard J. Cohen

STATE OF _____ SS.

COUNTY OF _____

Before me this _____ day of _____, 2004 personally appeared
Richard J. Cohen known to me to be the person whose name is subscribed to the foregoing
Assignment and acknowledged that he executed the same as his free act and deed for the
purposes therein contained.

NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires:

IN WITNESS WHEREOF, I hereto set my hand and seal at MSU FCU,
this 3rd day of February, 2004

Ramakrishna Mukkamala

STATE OF MI SS.

COUNTY OF Ingham

Before me this 3rd day of February, 2004 personally appeared
Ramakrishna Mukkamala known to me to be the person whose name is subscribed to the
foregoing Assignment and acknowledged that he executed the same as his free act and deed for
the purposes therein contained.

NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires: 12-16-06

IN WITNESS WHEREOF, I hereto set my hand and seal at _____,
this _____ day of _____, 2004

Derin A. Sherman

STATE OF _____
SS.
COUNTY OF _____.

Before me this _____ day of _____, 2004 personally appeared **Derin A. Sherman** known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires:

ASSIGNMENT

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned **Richard J. Cohen** of Chestnut Hill, Massachusetts, **Ramakrishna Mukkamala**, of Lansing, MI and **Derin A. Sherman** of Cedar Rapids, IA, hereby

Sell, assign and transfer to **Massachusetts Institute of Technology**, having a place of business at **5 Cambridge Center, Kendall Square, Cambridge, MA 02142**, its successors, assigns and legal representatives, all hereinafter referred to as the ASSIGNEE, their entire right, title and interest for the United States and all foreign countries, in and to any and all inventions which are disclosed in the application for United States Letters Patent filed **September 22, 2003**, **Serial No. 10/667,956** entitled "**METHODS AND APPARATUS FOR DETERMINING CARDIAC OUTPUT**" and in and to said application and all divisional, continuing, substitute, renewal, reexamination, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said inventions; and in and to all original, reissued, and reexamination patents which have been or shall be issued in the United States and all foreign countries on said inventions including the right to apply for patent rights in each foreign country and all rights to priority.

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IN WITNESS WHEREOF, I hereto set my hand and seal at Cambridge, MA.
this 13th day of February, 2004

R. J. Cohen
R. J. Cohen
Richard J. Cohen

STATE OF Massachusetts SS.
COUNTY OF Middlesex

Before me this 13th day of February, 2004 personally appeared
Richard J. Cohen known to me to be the person whose name is subscribed to the foregoing
Assignment and acknowledged that he executed the same as his free act and deed for the
purposes therein contained.

Catherine J. Beal
NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires: 11/04/05

IN WITNESS WHEREOF, I hereto set my hand and seal at _____,
this _____ day of _____, 2004

Ramakrishna Mukkamala

STATE OF _____ SS.
COUNTY OF _____

Before me this _____ day of _____, 2004 personally appeared
Ramakrishna Mukkamala known to me to be the person whose name is subscribed to the
foregoing Assignment and acknowledged that he executed the same as his free act and deed for
the purposes therein contained.

NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires:

IN WITNESS WHEREOF, I hereto set my hand and seal at _____,
this _____ day of _____, 2004

Derin A. Sherman

STATE OF _____ SS.

COUNTY OF _____.

Before me this _____ day of _____, 2004 personally appeared **Derin A. Sherman** known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires: